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SUBJECT: GSP CHILD LABOR UPDATE FOR SRI LANKA

Ref: (A) State 168607
(B) 01 Colombo 01719
(C) 00 Colombo 02105

1. Refs (B) and (C) contain comprehensive information on child labor in Sri Lanka. Below is an update.

2. Responses keyed to Ref A.

(a) Whether the country has adequate laws and regulations proscribing the worst forms of child labor:

Sri Lanka ratified ILO convention 182 for the immediate elimination of the worst forms of child labor on March 1, 2001. It entered into force in March 2002. The National Child Protection Authority (NCPA), with the assistance of the ILO's International Program on Elimination of Child Labor (IPEC), is moving to implement the convention.

Minimum age for employment is set at 14 years, which is consistent with the age for completing school education. Laws pertaining to employment of young persons between 14 and 18 regulate health and safety of workers in this age group. There is no child labor or exploitation of children within the formal or organized sector in Sri Lanka.

The Government has proposed to increase the penalties for violation of child labor laws.

Sri Lanka participates in an IPEC sub-regional program to combat the trafficking of children for exploitative employment. The National Child Protection Authority, with the assistance of the IPEC through a broad consultative process has designed a national policy and a national plan of action (NPA) to combat trafficking of children, the facilitating mechanism of a wide range of the worst forms of child labor. Sri Lankan authorities believe that controlling child labor at its source is the most effective way of eliminating child labor. The NPA has been integrated into the NCPA's national plan of action, but Cabinet approval has been delayed due to the current tensions between the President and the Cabinet of Ministers. Nonetheless, the Government of Sri Lanka actively supports the IPEC's anti trafficking programs.

Sri Lanka has not yet identified worst forms of child labor existing in Sri Lanka under Section 4 of the Convention 182. ILO/IPEC together with GSL has scheduled a strategic planning workshop in late October 2002 to identify the worst forms of child labor existing in Sri Lanka. To assist this process, a rapid assessment research is underway in four selected geographical areas to provide insights into child trafficking occurring in vulnerable areas. The authorities also hope to design a program to rescue, rehabilitate and re-integrate children engaged in the worst forms of child labor. They will also design a parallel program for prevention of the worst forms of child labor.

B) Whether the country has adequate laws and regulations for the implementation and enforcement of such measures:

Minimum age for employment is set at 14 years, which is consistent with the age for completing school education. Penal code amendments in 1995 and 1998 - which deal with child sex workers, pornography, trafficking of children for sexual exploitation, employing of children to traffic in restricted articles and causing cruelty and grievous hurt to children - pre-date the ratification of ILO convention 182. The Penal Code defines a child as a person under 18 years of age in line with convention 182. According to ILO sources, additional laws and regulations are necessary to eliminate the worst forms of child labor. The Government has been requested to amend the Penal Code, defense forces laws, and the evidence ordinance to address these issues.

C) Whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor:

Institutional mechanisms are in place to investigate

complaints regarding child labor (ref C). The Government, with the assistance of other organizations, is continuing to strengthen these mechanisms. The National Child Protection Authority (NCPA) is the national focal point for implementing ILO Convention 182. NCPA legislation defines a child as a person under 18 in line with Convention 182. In 2001, NCPA established an anti trafficking unit that is working to combat trafficking of children below 14, especially in the areas of domestic labor and the sex industry, by taking action against those who maintain the supply chain. On October 1, 2002 the Government established a special unit at the NCPA to combat child abuse. The unit is manned by a team of 15 trained police personnel. It will work closely with NCPA on investigation, monitoring and prosecution of child workers. The NCPA also has a cyber watch unit that scans websites for advertisements soliciting local children. In addition, the NCPA and the Labor Department have continued to carry out various training programs for judicial, labor, probation and police officers dealing with child labor and for media personnel with the assistance of the ILO, UNICEF, Save the Children UK and local NGOs. The Labor Department trained 300 officers in 2001 under ILO/IPEC program. In 2002, it hopes to train an additional 300.

There has been an increase in prosecutions regarding child labor violations by the Labor Department. The Labor Department reported 194 complaints regarding child labor in 2000, with 79 of these cases withdrawn due to lack of evidence or faulty complaints. The Department prosecuted 7 cases in 2000. In the first eight months of 2001, the Labor Department reported 199 complaints, with 48 cases being withdrawn and 40 prosecuted. (update)

D) Whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor and assist in the removal of children engaged in worst forms of child labor:

The Government hopes to eliminate child labor through promotion of compulsory education through 14 years. The Government is continuing to sponsor non-formal education units to draw non-school going children to the education system. A survey conducted in 1997/98 revealed that there were about 61,000 non-school going children between the ages of 5-14 years. This constituted 1.4% of children in that age group.

NCPA has drawn its attention to assist children engaged in worst forms of child labor. It has established a rehabilitation center and offers vocational training and counseling. NCPA also hopes to launch community empowerment and family empowerment programs to curb trafficking and worst forms of child labor.

ILO is engaged in raising awareness of Trade Unions and community leaders about the ILO conventions dealing with the worst forms of child labor.

UNICEF and other NGOs are working actively to raise awareness of how to prevent sexual exploitation of children. These programs are targeted towards both children and their parents in high-risk areas such as beach resorts frequented by tourists. According to recent reports, child prostitution is falling in Sri Lanka, at least in certain areas. The women and child protection unit of the Police Department has said that open soliciting of children for sex has declined. The decline in child prostitution has been attributed to awareness and publicity given to pedophile cases.

E) Whether the country has a comprehensive policy for the elimination of the worst forms of child labor:

The Government has ratified ILO convention 182 on the elimination of worst forms of child labor. The Government has designed a comprehensive policy and a national action plan on elimination of trafficking of children for exploitative employment, which has been integrated into the NCPA national plan of action. It has not been presented to the Cabinet yet. Post will send the final draft of the National Policy and the National Plan of Action to Washington agencies.

F) Whether the country is making continual progress toward eliminating the worst forms of child labor:
While efforts are being taken to combat child labor and child trafficking, Sri Lanka continued to face a mounting problem with recruitment of school children for armed conflict by the Liberation Tigers of Tamil Ealam (LTTE) through 2001 and early 2002. Reports indicated that some children as young as 12 years were being abducted and recruited by the LTTE. With the announcement of a cease-fire in February 2002, and peace talks between the LTTE and GSL in September 2002, there is considerable international and domestic pressure on the LTTE to stop recruiting child

soldiers and to release child soldiers to their parents.
There are reports that this has begun to take place.

WILLS